



## **PLANNING COMMISSION AGENDA**

**Wednesday, April 12, 2006**

6:30 p.m. General Plan/Regular Meeting  
Council Chambers, City Hall

200 East Santa Clara Street  
San Jose, California

**Bob Dhillon, Chair**  
**Xavier Campos, Vice-Chair**

**Bob Levy     Jay James**  
**Dang T. Pham**  
**Christopher Platten     James Zito**

**Joseph Horwedel, Acting Director**  
**Planning, Building and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, April 12, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

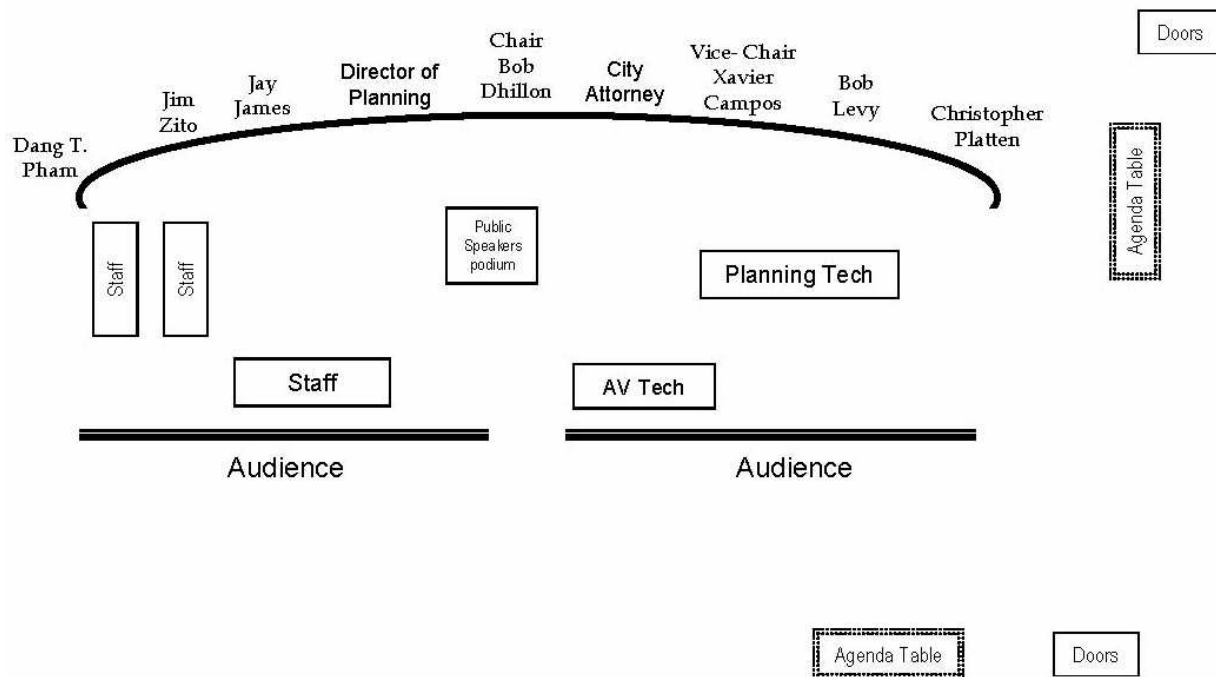
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items.** Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

**Note:** If you have any agenda questions, please contact Olga Guzman at [olga.guzman@sanjoseca.gov](mailto:olga.guzman@sanjoseca.gov)

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **PDC05-001**. Planned Development Rezoning from A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow an increase in Generating Capacity and an 18,600 square foot addition to an existing energy facility on a 34 gross acre site, located on the northeast corner of Highway 237 and Zanker Road (Los Esteros Critical Energy Facility) (800 THOMAS FOON CHEW WY) (Los Esteros Critical Energy Facility, Llc, Owner). Council District 4. SNI: None. CEQA: Pending.

**DROP**

- b. **GP05-03-05**. GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential (25-50 DU/AC) on an approximately 23-acre site located on the west side of Tenth Street, approximately 900 feet northwesterly of Hedding Street (1080 North Seventh Street). (Goodwill Industries, Owner/Ray R. Bold, Applicant) Council District: 3. SNI: None. CEQA: Incomplete. Deferred from 3-22-06.

**DROP. TO BE RENOTICED**

- c. **GP06-04-02**. GENERAL PLAN request to change the Land Use/Transportation Diagram designation on an approximately 27.4-acre site from Industrial Park on 11.9 acres and Industrial Park with Mixed Industrial Overlay on 15.5 acres to Neighborhood/Community Commercial on 6 acres and High Density Residential (25-50 DU/AC) on 21.4 acres located on the southwest corner of East Brokaw Road and Old Oakland Road (1633 Old Oakland Road). (Markovits and Fox Inc., Owner/ Kendall Riding and The Riding Group, Applicant). Council District: 4. SNI: None. CEQA: Incomplete. Deferred from 3-22-06.

**DROP. TO BE RENOTICED**

- d. **CP05-067**. Conditional Use Permit to allow post-secondary school uses in an existing industrial park building on a 4.94 gross acres site in the IP Industrial Park Zoning District, located at/on Southeast corner of San Ignacio Avenue and Great Oaks Boulevard (50 GREAT OAKS BLVD) (Sobrato Development Companies, Owner). Council District 2. SNI: None. CEQA: Addendum to EIR. Deferred from 2-22-06, 3-8-06 and 3-22-06.

**DEFER TO 4-26-06**

- e. [PDC05-063](#). Planned Development Rezoning from R-1-8 Residential District to A(PD) Planned Development District to allow up to 23 single-family detached residences on a 1.8 gross acre site, located at the northwest corner of Lucretia Avenue and Phelan Avenue (1785 Lucretia Avenue) (Phi Truong & Hung Cao Trieu, Owners; Myha Trieu, Lucretia Development LLC, Developer). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.

**DEFER TO 4-26-06**

- f. [CPA04-099-01](#). Conditional Use Permit Amendment to allow modifications to a previously approved building proposed for personal service uses on a 0.26 gross acre site in the CP - Pedestrian Commercial Zoning District, located on east side of Lincoln Avenue, approximately 300 feet north of Broadway Street. (1030 LINCOLN AVE) (Maciel Gloria, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 3-22-06.

**DEFER TO 4-26-06**

- g. The projects being considered are located on the South side of Fleming Avenue, approximately 1,032 feet southeast of Alum Rock Avenue (139 and 145 FLEMING AV) (San Jose The Lord's Baptist Church and Parmar Inderjit S And Kathy L, Owners) Council District 5. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 12-07-05 and 1-11-06.

1. [PDC05-061](#). Planned Development Prezoning from Unincorporated County to the A(PD) Planned Development District to allow 18 single-family detached residences on a 2.66 gross acres site.

**DEFER TO 4-26-06**

2. [C05-079](#). STAFF INITIATED Prezoning from County to R-1-5 Residence Zoning District to allow single-family detached residential use on a 0.22 gross acre site.

**DEFER TO 4-26-06**

### **3. CONSENT CALENDAR**

#### **NOTICE TO THE PUBLIC**

**The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.**

- a. [PDC05-115](#). Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences on 0.27 gross acre site located on the west side of Bundy Avenue approximately 65 feet northerly of Adra Avenue (433 Bundy Avenue). (Lorraan Engineering Services Corporation, Owner). Council District 1. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Recommend to the City Council approval of a Planned Development Rezoning from R-M Multiple Residence Zoning District to A(PD) Planned Development Zoning District to allow up to 4 single-family attached residences as recommended by Staff.

- b. [CP05-070](#). Conditional Use Permit for a slim design monopole with 6 wireless communication panel antennas within a cylinder ray dome and an ancillary equipment building on a 0.16 gross acre site in the LI Light Industrial Zoning District, located at the southeast corner of Coleman Avenue and Highway 87, approximately 120 feet north of Ryland Street (221 Ryland Street) (Robert and Sarah Howell, Trustee, Owner). Council District 3. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

Approve a Conditional Use Permit for a slim design monopole with 6 wireless communication panel antennas within a cylinder ray dome and an ancillary equipment building as recommended by Staff.

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

- a. Approval of the following actions related to parks planning issues:
1. Approval of a letter from the Planning Commission to the City Council on the topic of the Park Fund Reconciliation Report with direction to the Secretary of the Planning Commission to forward the letter to the City Council prior to April 18, 2006, and
  2. Appointment of at least two (2) Commissioners to a Joint Subcommittee with the Parks and Recreation Commission to study funding options for the operation and maintenance of park facilities.
- b. [An Ordinance amending Title 20](#) of the San Jose Municipal Code, the zoning code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes. CEQA: Exempt, PP06-012. Deferred from 2-22-06, 3-8-06 and 3-22-06.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes as recommended by Staff.

- c. [An Ordinance amending Chapter 20.120 of Title 20](#) of the San Jose Municipal Code to allow Director-Initiated Conforming Rezoning to be heard directly by the City Council without a Planning Commission hearing. CEQA: Exempt, PP06-041.

**Staff Recommendation:**

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code as recommended by Staff.

- d. [TR06-004](#). APPEAL of the Planning Director's decision to deny a Tree Removal Permit to remove one Redwood tree 60 inches in circumference on a 0.18 gross acre site, in the R-1-8 Single-Family Residence Zoning District, located at 4838 Moorpark Avenue (Young Mee and Kyo Mok Cho, Owners). Council District 1. SNI: None. CEQA: Exempt.

**Staff Recommendation:**

To uphold an APPEAL of the Planning Director's decision to deny a Tree Removal Permit to remove one Redwood tree 60 inches in circumference as recommended by Staff.

- e. [PDC05-080](#). Planned Development Rezoning from A(PD) Planned Development, R-2 Two-Family Residence, and CP Commercial Pedestrian Zoning Districts to A(PD) Planned Development Zoning District to allow up to 11 live-work units and 84 single-family attached residences on 5.02 gross acre site, located on the north side of West San Carlos Street, 650 feet westerly of Meridian Avenue (1465 W SAN CARLOS ST) (Muller Investment Co, Owner; Shea Homes, Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from A(PD) Planned Development, R-2 Two-Family Residence, and CP Commercial Pedestrian Zoning Districts to A(PD) Planned Development Zoning District to allow up to 11 live-work units and 84 single-family attached residences as recommended by Staff.

- f. [PDC05-035](#). The project being considered is located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer). Council District 8. SNI: None. Deferred from 3-8-06 and 3-22-06.

1. Protest of the Mitigated Negative Declaration.

**Staff Recommendation**

Planning staff recommends that the Planning Commission find on the basis of the entire record before the Planning Commission that there is no substantial evidence that the project will have a significant effect on the environment, that the mitigated negative declaration reflects the independent judgment and analysis of the City, that the location and custodian of the records of these proceedings is with the Director of Planning as noted in the staff report and that the Planning Commission uphold and adopt the Mitigated Negative Declaration prepared for the project and the mitigation monitoring or reporting program.

2. PLANNED DEVELOPMENT REZONING from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 gross acre site.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences as recommended by Staff.

- g. [PDC04-110](#). Planned Development Rezoning from A-Agriculture and A(PD)Planned Development District to A(PD) Planned Development District to allow 38 Single-family detached residences on a 15.3 gross acres site, located on the west side of San Felipe Road, approximately 300 feet south of Yerba Buena Road (Dale Nakashima, George Nieman, and Clare Telford, Owners). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of Planned Development Rezoning from A-Agriculture and A(PD)Planned Development District to A(PD) Planned Development District to allow 38 Single-family detached residences as recommended by Staff.

5. **CONTINUE PLANNING COMMISSION WINTER HEARING ON GENERAL PLAN AMENDMENTS**

6. **GENERAL PLAN CONSENT CALENDAR**

NONE

7. **GENERAL PLAN PUBLIC HEARING CALENDAR**

- a. [GP05-01-01](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2-acre site located at 20585 Cleo Avenue, 1181 S. De Anza Boulevard, et.al at the northwesterly quadrant of State Route 85 and South De Anza Boulevard, and southerly of Kentwood Avenue. (Groner Family Trust, Owners, Braddock and Logan Group/Sue Dillon, Applicant). Council District: 1. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 3-8-06.

**Staff Recommendation:**

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2-acre site.



- b. The project being considered is located on the east side of Oakland Road, approximately 700 feet south of Calle Artis (2080 and 2090 Oakland Road). (Cilker William H Et Al, Owner/Bible Way Christian Center, Applicant). SNI: None. CEQA: Mitigated Negative Declaration.

1. **PROTEST OF A NEGATIVE DECLARATION** for a General Plan Amendment request to change the San Jose 2020 Land Use/Transportation Diagram designation from Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site located on the east side of Oakland Road, approximately 400 feet North of Rock Avenue (2080 Oakland Road).

**Staff Recommendation:**

Planning Staff recommends that the Planning Commission find on the basis of the entire record before the Planning Commission that there is no substantial evidence that the project will have a significant effect on the environment, that the mitigated negative declaration reflects the independent judgment and analysis of the City, that the location and custodian of the records of these proceedings is with the Director of Planning as noted in the staff report and that the Planning Commission uphold and adopt the Mitigated Negative Declaration prepared for the projects and the mitigation or reporting program.

2. **GP05-04-03**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site.

**Staff Recommendation:**

Recommend to the City Council approval of a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Heavy Industrial to Heavy Industrial with Mixed Industrial Overlay on a 2.66-acre site

- c. **GP05-10-01**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Administrative Office/Research and Development to Medium Density Residential (8-16 DU/AC) on a 15.85-acre site located on the west side of Guadalupe Mines Road, approximately 1,800 feet southerly of Camden Avenue (6411 Guadalupe Mines Road). (SDC 941 and Brokaw Interests, Owner/Tim Steele and Sobrato Development, Applicant). Council District: 10. SNI: None. CEQA: Mitigated Negative Declaration.

**Staff Recommendation:**

Consider the Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Administrative Office/Research and Development to Medium Density Residential (8-16 DU/AC) on a 15.85-acre site.

- d. The projects being considered are located on an approximately 74-acre site in an area generally bounded by Monterey Highway to the northeast, State Route 85 to the south, and Manassas Road to the northwest, otherwise known as the iStar property. Council District 2. CEQA: Resolution to be Adopted. Deferred from 3-22-06.

1. [GP03-02-05](#): Request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation.

**Staff Recommendation:**

Recommend to the City Council approval of a General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Mixed Use with No Underlying Designation on a 74-acre site.

2. [GPT03-02-05](#): Request to update the General Plan Mixed Use Inventory Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

**Staff Recommendation:**

Recommend to the City Council approval of a General Plan Text Amendment to update the General Plan Mixed Use Inventory, Appendix F, and a Text Amendment to increase the building height limit from 50 feet to 120 feet.

3. [APPROVAL OF THE EDENVALE AREA DEVELOPMENT POLICY MODIFICATION](#) to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.

**Staff Recommendation:**

Recommend to the City Council approval of the Edenvale Area Development Policy Modification to provide for inclusion of the site and development of up to 1.0 million square feet of industrial uses and up to 460,000 square feet of commercial uses on the iStar site.

4. [PDC04-100](#). Rezoning from the A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

**Staff Recommendation:**

Recommend to the City Council approval of A (PD) Planned Development Zoning District to A (PD) Planned Development Zoning District to allow a commercial and mixed-use project consisting of up to one million square feet of industrial park land uses and up to 450,000 square feet of commercial land uses on an approximately 74-acre site.

**8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS ON WINTER HEARING ON GENERAL PLAN AMENDMENTS MARCH 8, 22, AND APRIL 12, 2006**

**9. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  1. Responding to statements made or questions posed by members of the public; or
  2. Requesting staff to report back on a matter at a subsequent meeting; or
  3. Directing staff to place the item on a future agenda.

**10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

**11. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' reports from Committees:
  - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
  - Coyote Valley Specific Plan (Platten)
  - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. Review of synopsis

**12. ADJOURNMENT**

## 2006 PLANNING COMMISSION MEETING SCHEDULE

<b>Date</b>	<b>Time</b>	<b>Type of Meeting</b>	<b>Location</b>
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332

Discussion of additional parkland and open space for the City (*Joint session with Parks Commission*)

March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers